

UNITED STATES DISTRICT COURT
District of Massachusetts (Eastern)

Comcast of Massachusetts/New Hampshire/) Case No.: 1:04-cv-10423-RWZ
Ohio, Inc.)
("Comcast")) AFFIDAVIT OF PLAINTIFF'S COUNSEL
Plaintiff,) ATTORNEY JOHN M. McLAUGHLIN
vs.)
Robert Dion)
Defendant)

Now comes the Affiant, and makes this his sworn statement, under the pains and penalties of perjury, of his own personal knowledge.

GENERAL FACTUAL ASSERTIONS

1. I, John M. McLaughlin, represent the Plaintiff in the above-entitled action.
2. I am a member of the Law Firm of Green, Miles, Lipton & Fitz-Gibbon LLP
3. I have used paralegals from the firm to assist me in this case.

FACTUAL ASSERTIONS AS TO ATTORNEY'S FEES

4. My usual hourly rate is \$200.00 per hour. The usual hourly rate of the paralegals in our firm is \$90.00 per hour. These rates are more than reasonable for telecommunication civil litigation specialists.
5. I am a member of the Federal Communications Bar Association and I have been heavily involved in telecommunications litigation since the early 1990's. I have represented Comcast, ATTB, Cox, DirecTV and numerous MediaOne and/or Continental Cablevision corporate entities in hundreds of cases.
6. The time records have been edited to remove confidential communications with the client. The Plaintiff reserves the right to amend its claim for attorney's fees

and costs should Plaintiff's Counsel have to attend a Default Hearing and Plaintiff may also bear certain costs with reference to said hearing. The details of the time records to-date are set forth below. Also, I have already reduced the billable time from the actual time spent on reviewing and sorting my time records to take into account the first circuit case of *Brewster v. Dukakis*, 3 Fed.3d 488, (1st Cir. 1993) which provides that attorney's fees for work on affidavit for fees should be billed at a reduced rate. The time referenced below includes all of the time claimed for this action.

ATTORNEY'S HOURS:

3/1/04	Review Draft Complaint/file	.50
6/23/04	Review Draft of Request Entry of Default	.20
12/13/05	Draft motion for extension	no charge
12/19/05	Review Draft Technician's affidavit	.50
12/12/05	Draft Motion, Affidavit, Memorandum and Proposed order	2.50
SUBTOTAL of hours		<u>3.70 X \$200.00</u>
SUBTOTAL amounts		\$740.00

PARALEGAL's HOURS:

3/01/04	Draft Complaint	.80
6/23/04	Prepare Draft of Request Entry of Default	.80
SUBTOTAL of hours		<u>1.60 X \$90.00</u>
SUBTOTAL amount		\$144.00
Total Amount of fees		\$884.00

7. No attorney's fees have been paid by the Plaintiff in the case at bar because the case is covered by a contingency fee agreement and there has not been and may never be any actual recovery.

OTHER FACTUAL ASSERTIONS

8. The Default of the Defendant has been entered for failure to appear in this action.
9. On information and belief, the Defendant is not an infant or an incompetent and the Defendant is not in the military service
10. The undersigned believes the Court can assess statutory damages in this matter without testimony. Yet, if the court believes testimony is necessary the Plaintiff will fully cooperate and provide fact witnesses and expert witnesses if required.

1/13/2006
Date

/s/ John M. McLaughlin
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